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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,517	02/12/2004	Tae-Young Kil	P57032	5338

7590
Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005

10/31/2008

EXAMINER

VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,517	Applicant(s) KIL ET AL.	
	Examiner NGUYEN VO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 13, 17, 18 and 21-38 is/are allowed.
- 6) ☒ Claim(s) 9-12, 14-16, 19, 20 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-12, 14-16, 19-20, 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 9, the recitation "A complex wireless service" on page 8 lines 6-7 should be changed to --A complex wireless service method-- in order to be consistent with the body of the claim. In addition, the recitations "the mobile communication phone number" at line 22, "the public phone number" at line 25 and "the wireless terminal unique number" at line 26 lack clear antecedent basis.

As to claim 14, the recitations "the mobile communication phone number" at line 11, "the public phone number" at line 14 and "the wireless terminal unique number" at lines 14-15 lack clear antecedent basis.

As to claim 19, the recitations "the mobile communication phone number" at lines 6-7, "the public phone number" at line 4 lack clear antecedent basis.

As to claim 39, the recitation "the mobile switching center" at line 12 lacks clear antecedent basis.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 14-16, they recites a computer-readable medium which is defined in the specification as carrier waves, wireless media (radio frequency, infrared microwaves, wired media). See paragraph [0317] of the specification. Since the medium such as carrier waves, wireless media (radio frequency, infrared microwaves, wired media) are not tangible, the claimed invention of claims 14-16 is directed to non-statutory subject matter. In order to overcome this rejection, it is suggested that the mentioned-above tangible media should be deleted from the specification.

Allowable Subject Matter

5. Claims 1-8, 13, 17-18, 21-38 are allowed.

As to claims 1-8, 13, the prior art of record fail to disclose or render obvious a complex wireless service apparatus using a wired and wireless communication system, as specified in independent claims 1, 6, 13.

As to claims 17-18, 21-38, the prior art of record fail to disclose or render obvious an apparatus as specified in independent claims 17, 31.

6. Claims 9-12, 39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

As to claims 9-12, 39, the prior art of record fail to disclose or render obvious the method as claimed for the reasons as set forth in applicant's response filed on 07/22/2008, pages 24-35.

7. Claims 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claims 19-20, the prior art of record fail to disclose or render obvious an apparatus as specified in independent claim 17.

Response to Arguments

8. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejection under 35 U.S.C §101

Paragraph [0317] as amended still defines a computer-readable storage medium as carrier waves, wireless media (radio frequency, infrared microwaves, wired media). Since the medium such as carrier waves, wireless media (radio frequency, infrared microwaves, wired media) are not tangible, the claimed invention of claims 14-16 is directed to non-statutory subject matter. The rejection to claims 14-16 under 35 U.S.C §101 is herein repeated.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN VO whose telephone number is (571)272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen Vo/
Primary Examiner, Art Unit 2618